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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

R.P.-K., through his parent C.K.,  
R.T.D., through his parents R.D. and  
M.D., B.P., through her parent M.P.,  
and C.B., through his parent N.B., for  
themselves and on behalf of a class of  
those similarly situated, and the  
HAWAII DISABILITY RIGHTS  
CENTER, in a representative capacity  
on behalf of its clients and all others  
similarly situated,

Plaintiffs,

vs.

DEPARTMENT OF EDUCATION,  
State of Hawai'i,

CIVIL NO. CV10 00436 DAE-KSC  
(Other Civil Action)

**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT;  
MEMORANDUM IN SUPPORT OF  
MOTION; CERTIFICATE OF  
SERVICE**

TRIAL: October 25, 2011

Defendants.

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment on Count I of their Complaint brought under the Individuals With Disabilities Education Act ("IDEA"). No genuine issues of material fact preclude judgment on this claim and Plaintiffs are entitled to a final judgment permanently enjoining Defendant from failing to provide the members of the Plaintiff Class with a free appropriate public education in accordance with the IDEA until their 22<sup>nd</sup> birthday.

This motion is brought pursuant to FRCP Rule 56 and is based on the Separate and Concise Statement of Undisputed Facts filed concurrently with this motion, the records and files in this case, and such further evidence and argument as may be presented prior to or during a hearing on this motion.

DATED: Honolulu, Hawai'i, August 1, 2011.

/s/ Jason H. Kim

JOHN P. DELLERA

PAUL ALSTON

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Attorneys for Plaintiffs